

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-30172-KPN

ROBERT DADE,)
Plaintiff)
vs.)
BOLAND BUILDERS, INC.,)
THOMAS M. BOLAND, STUART JONES)
AND MARY ROSE JONES,)
Defendants)

**DEFENDANTS' MOTION FOR EXTENSION AND/OR TO
PRECLUDE SUBMISSION OF JURY INSTRUCTIONS**

NOW COME the defendants, Boland Builders, Inc. and Thomas M. Boland, and respectfully move this Court to extend the time within which they have to respond to the plaintiff's submission of jury instructions and/or preclude the plaintiff from submitting the same. As grounds therefor and in support thereof, the defendants state that this Court issued an order on or about November 7, 2005, a copy of which is attached hereto and marked as Exhibit A. Pursuant to that order, the plaintiff was to have proposed jury instructions, special verdict form or special interrogatories to the defendants by March 16, 2006. As of March 21, 2006, the plaintiff has failed to comply. The defendants have already been placed in a position of prejudice as a result of the plaintiff's repeated failure to comply with orders of this Court and/or the Federal Rules of Civil Procedure. They should not be placed in any further position of peril and/or forced to respond on short notice due to the plaintiff's inappropriate actions.

WHEREFORE, based upon the foregoing, the defendants respectfully request that the defendants be provided with additional time to respond to the plaintiff's proposed jury

instructions, special verdict form or special interrogatories, that the plaintiff be ordered to provide the same immediately and/or that the plaintiff be precluded from submitting the same to the Court.

THE DEFENDANTS
BOLAND BUILDERS, INC. AND
THOMAS M. BOLAND

By /s/ Nancy Frankel Pelletier
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CERTIFICATE OF CONSULTATION

The undersigned states, in accordance with Rule 7.1 of the Local Rules of the United States District Court that an effort was made to resolve this matter and the plaintiff does not oppose the instant motion.

/s/ Nancy Frankel Pelletier
Nancy Frankel Pelletier, Esq.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 15th day of March, 2006.

/s/ Nancy Frankel Pelletier
Nancy Frankel Pelletier, Esq.